

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:** :  
**JOHN GASSEW** : **Case No. 2:20-cv-2044-JDW**  
:

**MEMORANDUM**

John Gassew mailed to the Court an unintelligible, hand-written submission that does not name a defendant or seek any particular relief. The Court will dismiss his filing as frivolous pursuant to the Prison Litigation Reform Act and give him leave to amend in case he has an actual claim to assert.

**I. FACTUAL ALLEGATIONS**

The Court knows from the return address on his Petition that that Mr. Gassew is incarcerated at the United States Penitentiary in Thompson, Illinois. The Court also knows that Mr. Gassew thinks that the “petition motion should be granted.” (ECF No. 1 at 3.) That is all the Court knows.

The rest of the Petition is unintelligible nonsense. Paragraphs 1-4 each read:

deify demagogue dual duel durmant don II I I kween queen queen  
consort princess princ prince princely princedom duke dukedom  
duchess duchy duchies ducal judge judges civil rights prophet king  
kollaway eilien Solomon Jesus John Gessew Chronicles Corinthians  
Colossians luke lucifer martyr resurrection martial II deed deeth  
elemented demon destroy deuce devil diabolic diagnosis diamond  
dichotomy dre dollar dominate doom double doubleentedre  
draconian

(*Id.* at 1.) Paragraphs 5-7 each read:

II I I kween queen queen consort princess princ prince princely  
princedom duke dukedom duchess duchy duchies ducel Judge  
Judges civil rights prophet king kollaway eilien Solomon Jesus John  
Gassew Chronicles Corinthians Colossians luke lucifer martyr  
resurrection martial II

(*Id.* at 2.) The Petition does not name a defendant, identify any wrongdoing, or seek any particular relief.

## II. ANALYSIS

Under the Prison Litigation Reform Act, a federal court may dismiss a prisoner action *sua sponte* if the action is frivolous or malicious.” *See* 28 U.S.C. §§ 1915(e)(2), 1915A. The Court can make that determination before or after considering a Petitioner’s request to proceed *in forma pauperis*. *See Brown v. Sage*, 941 F.3d 655, 664 (3d Cir. 2019) (*en banc*). A complaint is frivolous if it “lacks an arguable basis either in law or in fact,” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989), and is legally baseless if it is “based on an indisputably meritless legal theory,” *Deutsch v. United States*, 67 F.3d 1080, 1085 (3d Cir. 1995). These rules often do not apply to petitions for a writ of mandamus. When the Court received Mr. Gassew’s submission, the Clerk’s Office docketed it as a mandamus petition because it had to classify it as something. However, the Court does not read it as a mandamus petition and therefore concludes that the PLRA applies.

Other than suggesting that the Court should grant the motion, Mr. Gassew’s submission says nothing. It does not name a defendant, allege a wrongdoing, or seek a remedy. It is therefore frivolous and legally baseless. The Court will dismiss it.

## III. CONCLUSION

If Mr. Gassew has a complaint, he can submit it. Because he has not done so, the Court will dismiss his claim. An appropriate Order follows.

**BY THE COURT:**

/s/ Joshua D. Wolson

HON. JOSHUA D. WOLSON  
United States District Judge

Dated: June 10, 2020